

# Weare Conservation Commission

## Final Minutes

### June 9, 2004

In attendance were: Tom Carr, Andy Fulton, Pat Myers, Steve Najjar, Ellen Dokton, Andrea Aldeman, and John Ciampi.

Guests included: Jean Heinemann, Paul Koscuiszek, Mike Boyko, and John Flanders, all of the Open Space Committee; Jon Osborn and Harry Brown of the local ATV club; and selectman Kurk as an observer.

**1). Open Space Committee** – Chairman Carr stated that one of the main purposes of this evening is to compile a listing of all the desirable qualities to consider in purchasing open space land. Several lists were presented and reviewed by the WCC and Open Space Committee (OSC) members. Some qualities presented, but not limited to, were historical, shorelines, rare/endangered plant/animal populations, vernal pools and other forms of wetlands, and aquifers. Pat maintained that the town already has a rudimentary open space policy in place. At this juncture of the discussion, Tom asked the Conservation members to review and comment on chapter 10, entitled *Natural Resources*, of the Weare Open Space Plan, no later than the 23<sup>rd</sup> of June. Chairman Carr indicated he would like the Conservation members to become actively involved in helping to craft an open space plan, but the OSC would be a separate entity from the Commission. Pat recommended that the OSC should schedule its meetings separately from the WCC in order to be more productive. Tom solicited volunteers from the Commission to serve on the OSC, and he stated that Steve would be heading up the electronic part of this project. Steve commented that he felt the preliminary land qualities so far devised were comprehensive enough; however, Weare should develop its own criteria based on its own uniqueness, such as land tracts that may not have high ecological value, but would serve to counter the rapid rise in local development through open space designation. Pat commented it may be a challenge to decide what qualities are unique to a particular parcel of land. Steve added it is not important who owns the property, the Town, a land trust, etc., but that the priority here should be that the land not be developed. Tom stated that we also need to consider trail usage on conservation land and how to agree on the wide margin of opinions relating to this issue, for instance, ATVs, horses, hiking, bicycling, etc. Tom feels this is an important issue to address, and the OSC should put together a sound and well constructed policy on this matter before presenting it to the BOS and Planning Board. Jean Heinemann chimed that

it is important to work with the ATV club in order to gain their support and to respect their rights while at the same respecting the right of wildlife and the natural world to exist; hence the delicate balance that needs to be maintained. She added that a positive approach to this issue is the only way to secure a win-win scenario. Tom concurred with Jean and he further added that the Commission is currently in the throes of creating a workable agreement between the ATV club and the WCC. Pat Myers spoke on crafting a unique management plan, regarding ATV usage, for each individual property, rather than a blanket strategy. Steve pondered if it would be feasible if the town held an easement on privately owned land, in which Pat maintained that it would be best to have any future properties held by a land trust which is organized to administer the duties associated with holding an easement. Discussion then ensued among the WCC and OSC members on the recently drafted list of desirable qualities of open space property. Tom then mentioned that he is certain there exists already town policy relating to ATV usage, but can't recall where he read it. Jean proposed creating an open space outline divided into categories, and further broken down into subdivisions. John Ciampi suggested forming a subcommittee as a springboard for determining in what direction this newly established committee should venture, deciding what are the most important goals, and how best to accomplish them, rather than generalizing and having no actual direction. Tom suggested putting together a meeting designed specifically for this project and to pull its direction together. Pat stated that the WCC is not expert in this relatively new venture of municipal open space acquisition, and that it will largely be a "learn as you go" process. A meeting with the Planning Board is slated for June 24 to present them with the conservation map and to allow them any feedback they may have. Tom also mentioned that it is very important that the BOS be presented with the map to keep them informed of the on goings associated with this project, and also to elicit input from the other town entities. Andrea offered to draft a compendium of the most important/desirable qualities to pursue. After some discussion, the members of both boards agreed to meet on Monday, June 21 at 7PM in the Conservation Commission Room, in order to conduct the 1<sup>st</sup> official meeting of the Open Space Committee. Paul Koscuiskie chimed that a managerial plan should be installed as quickly as possible because open space land is being lost quickly to development, and he feels that time is of essence. Tom agreed with him, but cautioned that if this plan is to be sold to the legislative body and to entities that provide revenue, all the basics and fundamentals must be properly established, otherwise we would never reach a place of acquiring conservation land. Tom recommended asking the voters for a bond at next year's annual meeting, and LCHIP may be able to provide some funding.

**2) ATV Club** – Tom stated that currently the position the WCC has concerning ATV trails deals mainly with progressing to an agreement with

the local ATV club on issues pertaining to ATV trails. As soon as an agreement is attained, Tom will present the proposal to the BOS and any other parties involved so that their comments may be heard. Harry Brown, president of the ATV club, presented the Commission this evening with a modified trail plan which proposes to utilize a portion of the trail already in use. Tom asked the club how they plan to protect themselves from any environmental damage caused by renegade riders, and Jon Osborn responded that the club proposes to install huge boulders to block access to certain parts of the trail. Mr. Brown added that all legitimate ATV trails are marked, the signage being put in place by the club members. Tom suggested that another site walk be made. Mr. Brown also added that unless a trail system is developed in town, younger riders can't be trained on proper riding procedures which would encourage outlaw riders. Trail bikes would be barred from using the trail, but other uses such as equestrian, non-motorized bikes, hiking, etc. would be allowed. He further added once the involved parties come to agreement on these issues, he would like this trail to become part of the organized state trail system, which could then be used by any registered rider. Pat suggested to proceed slowly in granting ATV rights so to check any potential harm that may occur initially which would be easier to correct, rather than allowing carte blanc usage, without controls, which could devolve into a nightmare situation difficult to rectify. Mr. Brown responded by saying ATV riding is the fastest growing sport in America today, and too much cautioned delay may be self defeating in the long run. He then reminded the Commission that the BOS have the right to close down the trails immediately if irresponsible activities should occur, and the ATV club is well aware of this. A date was set for Wed. the 23<sup>rd</sup> of June to do another site walk of the proposed trail.

**3) Minutes of May 12, 2004** – John read the draft version of last month's minutes. Changes included:

- 2<sup>nd</sup> paragraph, 1<sup>st</sup> line, *Kurt* shall be changed to *Kurk*.
- A typographical error in #6, 2<sup>nd</sup> line shall be corrected.
- Page 4, 1<sup>st</sup> line, the word *obtain* shall be changed to the word *depict*.
- Page 4, under bullet titled proposed ATV trail, 14<sup>th</sup> line down, *Kurt* shall be changed to *Kurk*.
- Page 4, 2<sup>nd</sup> line up from bottom, *Forest* shall be inserted between *Town* and *Manager*.
- Page 4, last line, *Reeves* shall be changed to read *Reeve*.

**4) Comments to the Planning Board** –

- Keith & Maura O'Neil – Proposes a two lot subdivision on Concord Stage Rd., map 202, lot 47. Purpose of this plan is to subdivide the existing lot 202/47, having 725.5 feet of road

frontage, into two individual lots. Comments include having a wetland setback adjustment on lot 202/47.1, and there is some confusion on the location of Rockland Rd. depicted on the map.

- Edward Palmer – site plan, lot 411/103. This map shows water runoff, but does not delineate wetland boundaries or setbacks, or any wetland certification. Comments will also include as to the location of the septic system, and to question the NRCS soil designation. Colton is likely to be adjacent to the road, and Marlow on upland, but on the site plan they are reversed. Also, what provisions are being addressed to allow for storm water runoff?
- Randy Beliveau – Universal Steel Erectors, the floor drain holding tank is required with the Groundwater Discharge Program, or discontinued and cemented up.

**5) Zoning Board** – No issues.

**6) Wetland Bureau Actions** – Andy spoke with Mary Ann Tilton, of Shoreline Protection, concerning the Fitzgerald issue on Daniel's Lake, and she said she wanted someone else, other than Alyson Gourley, to be assigned to the Weare area, in order to avoid a conflict of interest.

**7) Natural Resources of the Open Space Plan** – Tom passed out copies of *Weare's Natural Resources of the Master Plan* for the members review and comments to be forwarded to him by no later than June 23<sup>rd</sup>.

**8) Other Items:**

- The Wood Property – Pat spoke with attorney Bill Dresher who was concerned with about the attachment of parcel A to the Bolton Field, and also with concerns of the Weare Winter Wanderer Trail because it isn't located on the plan, nor was it surveyed. Mr. Dresher also advised on obtaining title insurance. The final step to consummate this land purchase is to receive a bill for all the fees, including the price of the property, so a check can be cut and paid to the attorneys, who will then pay Margaret Woods for the property. Tom mentioned the Mr. Dresher said the Conservation land can remain separate from the rest of the parcel; however, Tom added that this land deal will be finalized with the conservation land annexed to the main Bolton Field parcel. Pat mentioned that she managed to have the two attorneys, Dresher and Quinn, to stipulate in the deed that this property is to be designated as conservation land. Also,

Pat added, that a representative from the BOS and WCC need to be present at the final signing of the deed.

- Camera – Tom stated he will ask Elayne Pearson to cut a check for the awaited digital camera so that it may be purchased soon. The funds are provided by the PSNH grant money.
- PSNH Grant – Tom did not deposit the recently received PSNH grant funds into the town coffers as yet because he wasn't sure if it should be deposited into the General Fund or the Conservation Fund. Pat stated that it is awkward to deposit funds into the Conservation Fund and a complex process to remove it from there. She recommends using the Conservation Fund for major expenditures such as land purchases, etc. Consensus determined that the grant funds be deposited into the WCC budget. Also, it is not clear to the members as to why previously deposited grant funds were not documented on the financial report. Tom plans to discuss this matter with Elayne.
- Request for Shoreline Variance – purpose is to construct an addition to a seasonal cottage located at 21 Waterman Rd. on tax map 101/55 and 56, and deeded to current owner Steven Chase. Comments, which will be forwarded to Alleyson Gourley of Shoreline Protection, include: will proposed retaining wall be large enough to serve its stated purpose of helping to control runoff?; dimensions of described deck are not indicated; it is unclear what are the septic considerations; it is not known who designed the diversion trench, and if it was properly devised; it cannot be determined from the site plan if there will be discharge from the trench; what is the justification for the increase in house size?.

9) Commencement – Pat Myers made motion to adjourn, and John Ciampi 2<sup>nd</sup>. All voted to accept the motion. Meeting adjourned at 10:36 PM.

Respectfully submitted,

John Ciampi

cc: BOS

Town Clerk, Con Comm

